

Champagne, Donald

From: Champagne, Donald
Sent: Thursday, February 25, 2010 3:22 AM
To: 'Kevin Townsend GMAIL'
Cc: 'Ron Rosenberger'
Subject: RE: USPTO Appl. 10/613392 (No. ATTY. DKT. NO. on record)

Mr. Townsend,

Yes, the Office received the response to a final rejection on 4 December 2009, but it was not "entered". For the applicant's benefit, that means the response was received and has been made of record (i.e., it appears in our official file), but it was not acted on as a response to a non-final rejection would be. The response to a non-final rejection is explained in MPEP § 706.IV.

An applicant has very limited rights after a final rejection. As my first supervisor used to say, "final means final". After final, the applicant has only three options, which are explained in MPEP § 706.07. The only replies entered as a matter of right after final are those filed with an RCE, under 37 CFR 1.114. The 4 December 2009 reply did not contain an RCE, and the examiner decided that it did not meet the requirements for being entered. Again, these requirements are explained in MPEP § 706.07 and sections referred to therein. The examiner's reasoning in this case was explained in an advisory action mailed on 23 December 2009.

Because the abandonment date is passed, the applicant's only option to continue prosecution is to file a petition to revive the application under 37 CFR 1.137. See MPEP § 711.02.

Sincerely,

Donald L. Champagne, Primary Examiner
 USPTO AU 3688

From: Kevin Townsend GMAIL [mailto:townsend6621@gmail.com]
Sent: Wednesday, February 24, 2010 7:51 PM
To: Champagne, Donald
Cc: 'Ron Rosenberger'
Subject: RE: USPTO Appl. 10/613392 (No. ATTY. DKT. NO. on record)

Dear Ex. Champagne:

Thanks very much for your email, I very much appreciate your alerting me about this application.

However, a response to the final office action (8/09) was filed with a one month extension on Dec. 4, 2009.

Please find attached the filing receipt and response.

Please let me know if I need to resubmit a copy on EFS.

Again, thanks very much for your email.

Best regards,
 G. Kevin Townsend
 Reg. No. 34.033
 Atty of record for USPTO Appl. 10/613,392

From: Champagne, Donald [mailto:Donald.Champagne@USPTO.GOV]
Sent: Wednesday, February 24, 2010 9:20 AM
To: 'townsend6621@gmail.com'

2/25/2010

Subject: USPTO Appl. 10/613392 (No. ATTY. DKT. NO. on record)

Mr. Townsend,

This application reached its abandonment date this past Monday, February 22nd. We have no record that applicant has filed a reply to the last Office action. Please confirm by your close of business this coming Friday, February 26th, whether or not you filed a reply for the applicant. You may reply by email (donald.champagne@uspto.gov), by telephone/voicemail to 571-272-6717 or by informal fax to 571-273-6717.

Thank you.

Donald L. Champagne, Primary Examiner
USPTO AU 3688

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2/25/2010